

**REMARKS**

The Office Action dated 17 September 2007 has been fully considered by the Applicant.

Claims 1-3, 8-9, 14-15, 17, and 19 have been currently amended. Claims 4-5, 10-12, 16, and 20 have been previously presented. Claims 6-7, 13, and 18 have been canceled.

Enclosed is a Petition for Two-Month Extension of Time and a check in the amount of \$460 in payment of the extension fee.

Claim 3 has been objected to because of informalities regarding indication of the predefined bit error rate limit. The limitation 2e-04 stands for  $2 \times 10^{-4}$  or .0002. Claim 3 has been currently amended to place the limitation in the .0002 form.

Claims 1-2 and 12-15 have been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 6,694,131 to Lakkis. Reconsideration of the rejection is requested

Independent claim 1 has been currently amended to include an apparatus for the reception of data transmitted over any of a range of radio frequency signals within a known frequency band or bands, the radio frequency signal selectable by the apparatus in response to a user selection of a television or radio channel to be generated by the apparatus from the received data comprising at least one low noise block down-converter for down converting the selected radio frequency signal to an intermediate frequency signal within an intermediate frequency range. A tuner is provided to tune to the intermediate frequency signal wherein bit error rate output of the data carried by the intermediate frequency signal is monitored. Control means are provided for introducing an offset frequency value for the intermediate frequency signal and wherein if the bit error rate exceeds, during reception, a predefined bit error rate limit the low noise block down-converter is controlled to move

from receiving a selected radio frequency signal within a low band frequency range to receiving a radio frequency located in a high band frequency range or vice versa. The apparatus is then operated to tune to a new frequency equivalent to the intermediate frequency signal plus or minus the offset frequency value, the offset frequency value being generated such that the new frequency remains within the intermediate frequency range.

Applicant sincerely believes that all of the features as set forth in currently amended claim 1 are not disclosed in the '131 Lakkis patent.

In Applicant's currently amended claim 1 the low noise block down converter switches between receiving low and high band radio frequency (RF) signals when the bit error rate threshold is exceeded.

In the Lakkis '131 patent, the frequency of the local oscillator is adjusted to tune to a different intermediate frequency (IF) when the bit error rate exceeds a threshold (when interference occurs), to reduce the bit error rate. In addition, the Lakkis '131 patent teaches that the tuner can tune to any of 32 transponders within the 500MHz band transmitted by the low noise block down-converter (LNB) between 950-1450MHz.

However, Applicant's apparatus receives radio signals when other devices present may cause interference by switching the LNB between high and low band while maintaining the intermediate frequency in the predefined range by adding or subtracting an offset value.

Lakkis, however, does not disclose such switching of the LNB between low and high band RF signals. Therefore, Applicant sincerely believes that currently amended claim 1, along with dependent claims 2-5, 8-12, is patentable over the cited reference.

Claim 14 has been currently amended to include a method for controlling an apparatus to tune

which carries data required for generation of a user selected radio or television channel; (b) using at least one low noise block down-converter to down convert the selected radio frequency signal to an intermediate frequency signal within an intermediate frequency range; (c) controlling the apparatus to tune to the intermediate frequency signal; (d) when tuned and the selected radio frequency signal is received, monitoring the bit error rate output of data received from the intermediate frequency; (e) continuing to receive the selected radio frequency signal if the bit error rate output is the same or less than a predefined bit error rate limit; and (f) introducing by control means an offset frequency value to the intermediate frequency signal and controlling the low noise block down-converter to move from receiving a selected radio frequency signal within a low band frequency range to receiving a radio frequency located in a high band frequency range or vice versa if the bit error rate output is greater than a predefined bit error rate limit, and operating the apparatus to tune to a new frequency equivalent to the intermediate frequency signal plus or minus said offset frequency value; (g) wherein the offset frequency value is generated such that the new frequency remains within the intermediate frequency range.

The '131 Lakkis patent does not include the step of introducing by control means an offset frequency value to the intermediate frequency sign and controlling the low noise block down-converter to move from receiving a selected radio frequency signal within a low band frequency range to receiving a radio frequency located in a high band frequency range or vice versa if the bit error rate output is greater than a predefined bit error rate limit and operating the apparatus to tune to a new frequency equivalent to the intermediate frequency signals plus or minus the offset frequency value and wherein the offset frequency value is generated such that the new frequency remains within the intermediate frequency range, as in Applicant's currently amended claim 14.

Instead, the Lakkis et al patent has the step of tuning the local oscillator to an alternate frequency (IF) when the bit error rate exceeds a threshold (when interference occurs), to reduce the bit error rate. In addition, Lakkis teaches that the tuner can tune to any of the 32 transponders within the 500 MHz band transmitted by the low noise block down-converter (LNB) between 950-1450MHz.

Therefore, Applicant sincerely believes that the Lakkis patent does not disclose the method as set forth in currently amended claim 14. Therefore, Applicant believes that claim 14, along with claim 15-17 and 19, is novel over the '131 Lakkis patent.

Claims 3 and 17 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of US Publication No. 2002/0183026 to Naruse. Reconsideration of the rejection is respectfully requested.

Claim 3 depends upon currently amended independent claim 1. Applicant believes that the subject matter as set forth is not taught or suggested in the cited references.

Claim 17 depends upon currently amended method claim 14. Applicant believes that subject matter of claim 17 is not taught or suggested in the cited references for the same reasons as set forth below with reference to claim 14.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of United States Patent No. 6,880,115 to Abraham et al. Reconsideration of the rejection is requested.

Claim 4 depends upon currently amended independent claim 1 and it is believed that the subject matter set forth is not taught or suggested in the cited references.

Claim 5 has been rejected 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of United States Patent No. 7,009,641 to Bruckmann et al.

Reconsideration of the rejection is respectfully requested.

Claim 5 depends upon currently amended independent claim 1 and is believed patentable over the cited references for the reasons as set forth above.

Claim 6 has been rejected 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of United States Publication No. 2004/0042569 to Casabona et al. Claim 6 has been currently canceled.

Claims 7-9 and 18-19 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of US Publication No. 2004/0042569 to Casabona et al as applied to claim 6 above and further in view of United States Patent No. 6,445,907. Reconsideration of the rejection is respectfully requested.

Claims 6, 7 and 18 have been currently canceled. Claims 8, 9 and 19 have been currently amended. Claims 8 and 9 dependent upon currently Amended claim 1 and are believed to be patentable over the cited references for the reasons as set forth above. Applicant believes that currently amended claim 8, 9 and 19 are not taught or suggested by the cited references and therefore respectfully requests reconsideration of the rejection.

Claims 10, 11, 16 and 20 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,694,131 to Lakkis in view of United States Patent No. 6,522,696 to Mobin et al. Reconsideration of the rejection is respectfully requested.

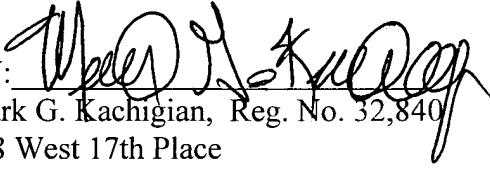
Claims 10, 11 and 20 depend upon currently amended independent claim 1 and are believed to be patentable over the cited references for the reasons as set forth above. Claim 16 depends upon currently amended independent method claim 14 and believed to be patentable over the cited references for the reasons as set forth above.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 13 February 2008

BY:   
Mark G. Kachigian, Reg. No. 32,840  
228 West 17th Place  
Tulsa, Oklahoma 74119  
(918) 587-2000  
Attorneys for Applicant